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JELLY BELLY CANDY COMPANY

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Attorney for Defendant

DAVID KLEIN

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JELLY BELLY CANDY COMPANY,

Plaintiff,

v.

DAVID KLEIN,

Defendant.

Civil Action No. 2:22-cv-01509-KHM-JDP

**STIPULATION AND [PROPOSED] ORDER TO
AMEND COMPLAINT**

Plaintiff Jelly Belly Candy Company (“JBCC”) and Defendant David Klein (“Mr. Klein”) (collectively “Parties”), by and through their respective counsel, hereby stipulate and agree as follows:

WHEREAS, on December 26, 2024, JBCC filed a Motion for Leave to Amend the Complaint [ECF No. 44], which attached a proposed First Amended Complaint as Exhibit 2 to the accompanying Declaration of Henry A. Stroud [ECF No. 44-2];

WHEREAS, on January 1, 2025, Mr. Klein consented to JBCC’s amendment of the Complaint and filing of the First Amended Complaint;

WHEREAS, Federal Rule of Civil Procedure 15(a)(2) permits any party to file an amended pleading “with the opposing party’s written consent.”

BASED ON THE FOREGOING, THE PARTIES STIPULATE AND AGREE AS FOLLOWS:

1. Pursuant to Federal Rule of Civil Procedure 15(a)(2), Mr. Klein consents to JBCC’s amendment of its Complaint in the form proposed in JBCC’s Motion for Leave to Amend the Complaint.

2. JBCC may file the First Amended Complaint;

3. Upon filing of the First Amended Complaint, JBCC’s Motion for Leave to Amend the Complaint [ECF No. 44] shall be withdrawn as moot; and

4. Mr. Klein shall have 21 days from the service of the filed First Amended Complaint to file a response.

IT IS SO STIPULATED.

Dated: January 6, 2025

GREENBERG TRAURIG, LLP

By: /s/ Kurt A. Kappes

Kurt A. Kappes
Michael D. Lane
Henry A. Stroud

Attorneys for Plaintiff
JELLY BELLY CANDY COMPANY

Dated: January 6, 2025

LAW OFFICE OF DANIEL BERKO

By: /s/ Daniel Berko

Daniel Berko

Attorney for Defendant
DAVID KLEIN

1 **IT IS SO ORDERED.**

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3 Dated: _____

4 Hon. Dale A. Drozd
5 United States District Judge
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